

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 6TH MARCH 2007 / 15TH PHALGUNA 1928

WP(C).No. 17538 of 2003(K)

PETITIONER:

JOHN BENADICT, S/O. ANTONY, AGED 33,
RESIDING AT PALLIVILAKAM VEEDU, R.C.STREET,
BALARAMAPURAM.

BY ADV. SRI.R.T.PRADEEP
SRI.V.VIJULAL
SRI.T.A.PRASANTH

RESPONDENTS:

1. THE KERALA PUBLIC SERVICE COMMISSION,
REPRESENTED BY ITS SECRETARY, OFFICE OF THE
KERALA PUBLIC SERVICE COMMISSION, PATTOM,
THIRUVANANTHAPURAM.
2. THE TAHSILDAR,
TALUK OFFICE, NEYYATTINKARA.
3. THE DISTRICT OFFICER,
KERALA PUBLIC SERVICE COMMISSION,
DISTRICT OFFICE, MALAPPURAM.
4. THE VILLAGE OFFICER,
VILLAGE OFFICE, PALLICHAL.

R1 AND R 3 BY ADV. SRI.P.C.SASIDHARAN, SC, KPSC
R2 AND R4 BY GOVERNMENT PLEADER SRI. SANTHOSH KUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 06/03/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

ORDER ON I.A.NO. 3038 OF 2003 IN WPC 17538 OF 2003

DISMISSED

6.3.2007

SD/-C.N.RAMACHANDRAN NAIR, JUDGE.

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE COMMUNICATION DATED 22.5.2003 TO PETITIONER BY 3RD RESPONDENT.

EXT.P2 TRUE COPY OF THE SSLC CERTIFICATE SHOWING HIS RELIGION AND CASTE

EXT.P3 TRUE COPY OF THE APPLICATION FORM FOR NON CREAMY LAYER CERTIFICATE DATED 3.6.2003

EXT.P4 TRUE COPY OF THE CLARIFICATION DATED 3.6.2003 BY THE 2ND RESPONDENT.

EXT.P5 TRUE COPY OF THE REPORT DATED 4.6.2003 BY 4TH RESPONDENT.

EXT.P6 TRUE COPY OF THE ORDER DATED 23.5.2002 IN CMP NO. 22661 OF 2002 IN OP NO. 13516 OF 2002

EXT.P7 TRUE COPY OF THE ORDER DATED 16.6.2003 BY 2ND RESPONDENT.

EXT.P8 TRUE COPY OF THE JUDGMENT DATED 29.6.2004 IN OP NO. 13515 OF 2002 , OP 13516 OF 2002 AND OP 13520 OF 2002.

RESPONDENTS' EXHIBITS: NIL

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 17538 OF 2003

Dated this the 6th day of March, 2007

JUDGMENT

Even though petitioner states that the issue raised is covered by the decision of this Court in O.P.No. 13519 of 2002, Govt. Pleader submitted that certificate issued is provisional under interim orders of this Court. Final enquiry in regard to community and decision thereon has to be taken, is his case. In the circumstances, W.P. is disposed of directing respondents to consider the findings in the judgment of this Court above referred and decide the petitioner's case after giving opportunity to the petitioner. I make it clear that no adverse orders should be passed against the petitioner without communicating the proposal and without hearing the petitioner. Petitioner can continue if provisional certificate does not stand reversed in the final proceedings.

(C.N.RAMACHANDRAN NAIR)
Judge

